

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

KENNETH ADERHOLT et al.,

Plaintiffs,

v.

Civ. No. 7:15-CV-000162-O

BUREAU OF LAND MANAGEMENT
et al.,

Defendants.

**DEFENDANTS' MOTION FOR PARTIAL DISMISSAL OF PLAINTIFFS' AMENDED
COMPLAINT**

Defendants Bureau of Land Management (“BLM”); Neil Kornze, Director, BLM; United States Department of the Interior; S.M.R. Jewell, Secretary of the Interior; and United States of America (“Defendants”), move this Court under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the Amended Complaint (ECF No. 40) of plaintiffs Kenneth Aderholt; Patrick Canan; Kevin Hunter; Ronald Jackson; William Lalk; Kenneth Patton; Barbara Patton; Jimmy Smith; Kenneth Lemmons, Jr., Clay County Sheriff; Wichita County, Texas; Clay County, Texas; and Wilbarger County, Texas (“Plaintiffs”) for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. For the reasons stated in Defendants’ Brief in Support of Their Motion to Dismiss, filed herewith in accordance with Local Rules 7.1 and 7.2, Defendants respectfully request that the Court grant Defendants’ Motion to Dismiss and dismiss Plaintiffs’ Amended Complaint, with the exception of Count One, asserting a claim under the Quiet Title Act, 28 U.S.C. § 2409a by plaintiffs Patrick Canan, Kevin Hunter, and Jimmy Smith.

Respectfully submitted this 26th day of February, 2016,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Romney S. Philpott, hereby certify that on February 26, 2016, I caused the foregoing to be served upon the following counsel of record through the Court's electronic service system:

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s/Romney S. Philpott
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